REMARKS

The present amendment is in response to the Office Action mailed in the above-referenced case on June 06, 2008. Claims 18, 20, 22, 24 and 25 are standing for examination.

Merit Rejection under 35 U.S.C. 103(a)

2.   Claims 18, 20, 22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (USP 7254219) in view of Taylor (WO 00/18094) and Norris (USP 5805587).

Hansen discloses a call waiting system which comprises ISP, SCP and user's computer includes the cooperating software on the user's Internet appliance presents each incoming call as an icon wherein the user manipulates the individual icons for performing call forward, voice mail, answer (Fig 3-10 discloses online call alert with the icons for performing the transferring function). However, Hansen fails to disclose when a user operating the Interact appliance connects to the ISP for Internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with the ISP, the specific number being to a switch that converts incoming calls to TCP/IP format and connects them to the user's Internet appliance. In the same field of endeavor, Taylor discloses a call-waiting system comprising a service control point (SCP) (Fig 1, Ref 112) in a public switched telephony network (FSTN) (Fig 1, Ref 170); an Interact-connected service provider (ISP) (Fig 1, Ref 120); and cooperating software executing at the ISP, SCP and on a user's Interact appliance for providing a call-waiting service (Fig 1, Ref 102, 112 and 120 include a executing software); wherein, when a user operating the Interact appliance connects to the ISP for Internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with the ISP (Page 12, lines 6-20), the specific number being to a switch of ISP that

converts incoming calls to TCP/IP format and connects them to the user's Internet appliance (Fig 7, ISP for conveying voice between caller and called using IP and PSTN protocol). However, Taylor and Hansen fail to disclose a switch that converts incoming calls to TCP/IP format and connects them to the user's Internet appliance. In the same field of endeavor, Norris discloses that converts incoming calls to TCP/IP format and connects them to the user's Internet appliance (Fig 3, Ref 235 and 245).

Since, Hansen discloses Norris in the background of his invention and the use of SCP and ISP for performing the call forwarding. Therefore, it would have been obvious to one ordinary skill in the art to apply a switch with a function to converts incoming calls to TCP/IP format and connects them to the user's Internet appliance as disclosed by Norris into Taylor which discloses a software for allowing incoming call to be routed to ISP into the teaching of Hansen. The motivation would have been to reduce human error and provide user friendly GUI.

3.   Claims 18, 20, 22 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (USP 7254219) in view of Tonnby and Baker and Norris (USP 5805587).

Hansen discloses a call waiting system which comprises ISP, SCP and user's computer includes the cooperating software on the user's Internet appliance presents each incoming call as an icon wherein the user manipulates the individual icons for performing call forward, voice mail, answer (Fig 3-10 discloses online call alert with the icons for performing the transferring function). However, Hansen fails to disclose when a user operating the Interact appliance connects to the ISP for Internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with the ISP, the specific number being to a switch that converts incoming calls to TCP/IP format and connects them to the user's Internet appliance. In the same field of endeavor, Baker discloses a method and system for notifying an incoming call from ISP to the internet user by using icon and when a user operating the internet appliance

connect to the ISP for internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forwards calls for the user to a specific number associated with ISP (Page 34, lines 4 to page 35, lines 20 and Page 45, lines 16-27, after the user connected to ISP, the ISP instructs the telephone company central office to forward to call to the telephone number of ISP wherein the ISP will notify the incoming call to the internet user by present an icon wherein ISP and user's device has a software for notifying and accepting a call and PSTN has a software for forwarding the call to ISP). However, Barker and Hansen fail to disclose a switch that converts incoming calls to TCP/IP format and connects them to the user's Internet appliance. In the same field of endeavor, Norris discloses that converts incoming calls to TCPIP format and connects them to the user's Internet appliance (Fig 3, Ref 235 and 245). However, Hansen, Norris, Barker fails to disclose outgoing calls with call waiting. In the same field of endeavor, Tonnby discloses outgoing calls with call waiting Figs 1-4 and 6 have a loaded software for executing the functions based on incoming from network or outgoing calls from a user).

Since, Hansen discloses Norris in the background of his invention and the use of SCP and ISP for performing the call forwarding. Therefore, it would have been obvious to one ordinary skill in the art to apply a switch with a function to converts incoming calls to TCP/IP format and connects them to the user's Internet appliance as disclosed by Norris into Barker which discloses a software for allowing incoming call to be routed to ISP into the teaching of Tonnby which discloses a method and system for initiating outgoing calls into the teaching of Hansen. The motivation would have been to reduce human error and provide user friendly GUI.

Applicant's response

Applicant points out that the Examiner presents a reference "Baker" without providing patent or application numbers. For the sake of the present response, applicant assumes "Baker" is "Barker". Barker has been presented art in the past prosecution of the present case and is referred to by the Examiner in the present

Office Action. Further, the Examiner uses the term "Interact" in the present Office Action. Applicant believes the Examiner means to say "Internet". For the sake of the present response, applicant understands that "Interact" refers to "Internet".

Applicant disagrees with the Examiner's interpretation of the art and the reasoning for combining the art to read on applicant's invention. The Examiner states that Hansen teaches, "a call waiting system which comprises ISP, SCP and user's computer includes the cooperating software on the user's Internet appliance presents each incoming call as an icon wherein the user manipulates the individual icons for performing call forward, voice mail, answer (Fig 3-10 discloses online call alert with the icons for performing the transferring function)." Applicant argues that Hansen fails to teach that the SCP is part of the system or has cooperating software. Hansen specifically teaches:

In using the online call management method of the present invention, as noted in the flow diagram of FIG. 2, the method, in the preferred embodiment, first uses the subscribers desire to connect to the Internet as a means of triggering the system. More specifically, when the subscriber takes the step **30** and launches some form of telephone communication such as for example an Internet dialing program, the online call management program resident in the subscriber's personal computer **14** initiates and takes the step **32** and action necessary to forward the subscriber's telephone service to an application server **22**. This could also be launched from a fax transmission request or a chat session request. When a incoming call from a calling station **24** is made to the called station or subscriber, it passes through the public switched network **18** and is forwarded to the application server **22** as shown in step **34**.

It is clear from the above teaching that Hansen teaches that software on the user's computer initiates service at an application server on the Internet. There is no teaching in Hansen that said Application Server is an SCP in the PSTN with the

claimed shared software.

The Examiner states that, "Taylor discloses a call-waiting system comprising a service control point (SCP) (Fig 1, Ref 112) in a public switched telephony network (FSTN) (Fig 1, Ref 170); an Interact-connected service provider (ISP) (Fig 1, Ref 120); and cooperating software executing at the ISP, SCP and on a user's Interact appliance for providing a call-waiting service (Fig 1, Ref 102, 112 and 120 include a executing software); wherein, when a user operating the Interact appliance connects to the ISP for Internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls for the user to a specific number associated with the ISP (Page 12, lines 6-20)"

Applicant respectfully disagrees. Page 12, lines 6-20 of Taylor is reproduced below:

Jumping ahead to Figure 7, a flow chart illustrating the method steps of an alternate embodiment of the present invention for connecting a call from handset 140 to client computer 102 is shown. As depicted, the method begins with step 702, wherein the user of client computer 102, in anticipation of beginning an internet data communication session via PSTN extension 104, actively enables a call forwarding feature with the switch of SSP 108 by entering a feature-enable key sequence (e.g., "71) using the keypad of the telephone connected to PSTN extension 104. In response, the switch of SSP 108 prompts the user of PSTN extension 104 to enter the telephone number to which calls are to be forwarded, wherein the user enters an access number corresponding to ISP 120 using the telephone keypad, for example. In an alternate embodiment the feature-enable key sequence and entry of the access number for ISP 120 may be performed automatically, as part of a modem initialization script at the onset of a data communications session. In the context of the present example implementation, the user of client computer 102 then dials ISP 120 to establish a data connection with a server (e.g., CPS 156) through Internet 150.

Applicant points out that AP 112 is not an SCP, as claimed. The SCP in

Taylor is clearly labeled in Fig. 1 as SCP 134. AP 112 is an adjunct processor connected to the ISP enabling access to the Internet by a user on computer 102. Applicant points out that AP 112 is clearly in the Internet, not the PSTN as stated by the Examiner.

Further the Examiner states, "Since, Hansen discloses Norris in the background of his invention and the use of SCP and ISP for performing the call forwarding. Therefore, it would have been obvious to one ordinary skill in the art to apply a switch with a function to converts incoming calls to TCP/IP format and connects them to the user's Internet appliance as disclosed by Norris into Barker which discloses a software for allowing incoming call to be routed to ISP into the teaching of Tonnby which discloses a method and system for initiating outgoing calls into the teaching of Hansen. The motivation would have been to reduce human error and provide user friendly GUI."

Applicant points out that one reference mentioning another in the background portion is not adequate reasoning or motivation for combining references to read on applicant's claimed invention. Norris is specifically referred to in Hansen as presenting a problem in the art that Hansen's invention is directed to. Hansen states that Norris forwards PSTN calls to an access server only after notification that the called station is busy. Hansen merely provides a service that manages a telephone communication telephone call received by a subscriber when the subscriber is connected to the Internet where the subscriber receives a viewable message detailing caller identification information from which the subscriber chooses an option on present invention how to handle the telephone call. Applicant points out that the fact that Hansen introduces teachings of Norris in the background section does not provide motivation to combine teachings of Hansen, Taylor and Norris, or alternatively, Hansen, Tonnby, Barker and Norris, as presented in the second 103 rejection presented by this Examiner, teaching "when a user operating the Internet appliance connects to the ISP for Internet connection services a call forwarding service is automatically initiated causing the ISP to instruct the SCP to forward calls

for the user to a specific number associated with the ISP, the specific number being to a switch that converts incoming calls to TCP/IP format and connects them to the user's Internet appliance, and cooperating software on the user's Internet appliance presents each incoming call as an icon wherein the user transfers calls by manipulating the individual icon" as claimed in applicant's invention.

Applicant believes the above arguments adequately serve to overcome the rejections of the Examiner as all of the claimed limitations have not been shown in the art, nor has there been adequate reasoning provided by the Examiner for combining the references.

Summary

As all of the claims presented for Examination have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests the application be reconsidered and passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
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